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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,755

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Fabrice Clerc

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1496

7590

12/23/2009

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EXAMINER

ZIA, SYED

ART UNIT

PAPER NUMBER

2431

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,755	<b>Applicant(s)</b> CLERC, FABRICE	
	<b>Examiner</b> SYED ZIA	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

This office action is in response to amendment and remarks filed on September 21, 2009. The amendments filed on September 29, 2009 have been entered and made of record. Claims 1, and 3-11 are pending.

### ***Claim Rejections - 35 USC § 101***

1. Previous rejection under 35 U.S.C. 101 has been withdrawn.

### ***Response to Arguments***

Applicant's arguments filed on September 29, 2009 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, and 3-11 applicants argued that the cited prior arts (CPA) [Mirabella. (U. S. Publication No.: 2004/0167859)] does not describe "*a system for controlling fraud in which a user remains anonymous unless he/she performs, during a current session, a given number of operations that is greater than the number of operations he/she is authorized to perform during a session of the transaction system*".

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This is not found persuasive. The system of cited prior art teaches a license management system for post-use payment in a business model for controlling the fraud. A front end server controlling usage of licensed software transmits authentication report e.g. digital signature which is generated related to report schedule, to designated destination. One of the back end servers corresponding to destination, receives and processes report to generate processed information that is provided to business operation software for post-use payment business model purposes. In this system the vendor of the licensed software is a customer (or licensee) of the vendor (or licensor) of the software modules. The software vendors can only specify the licensing for their own products and not for other vendors that just happen to be using the same software modules. Thus to allow the vendor of the software modules to electronically license the software modules to the software vendors with controls, such as expiration dates to the use of the modules and which features the software vendor has the right to use (Fig.1-10, [0093-0102]).

As a result, cited prior art does implement and teach a system that relates to controlling the fraud in an electronic network system.

Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims and in subsequent dependent Claims. Accordingly, rejections for claims 1, and 3-11 are respectfully maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mirabella. (U. S. Publication No.: 2004/0167859).

1. Regarding Claim 1, Mirabella teach and describe a method of automatically controlling fraud in an electronic transaction system, comprising the steps of: generating an element and storing the element in a database in association with information identifying a session initiated by a user when the user initiated the session in the electronic transaction system; each time during the session that the user commands the execution of an operation, determining an equation that is satisfied by the element stored in the database; solving a system of independent equations comprising the determined equations to deduce the element therefrom when a number of the determined equations is greater than the number of authorized operations; and deducing from the obtained element by consulting database the associated information identifying the user that initiated the session (Fig.1-10, [0093-0102]).

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2. Regarding Claim 9, Mirabella teach and describe a system for automatically controlling fraud in an electronic transaction system, comprising: first calculation means for generating an element when a user initiates a session in the electronic transaction system ; a database in which the element is stored in association with information identifying the session initiated by a user, the first calculation means being configured to define, each time that the user commands execution of an operation during the session, an equation that is satisfied by the element stored in the database; and second calculation means configured to solve a system of independent equations comprising the equations defined by the first calculation means to deduce the element therefrom when a number of the defined equations is greater than a number of authorized operations so that, by consulting the database , it is possible to deduce from the element obtained the associated information which identifies the user that initiated the session user (Fig.1-10, [0093-0102]).

3. Regarding Claim 10, Mirabella teach and describe a computer-readable medium encoded with a computer program executed by a computer that causes automatic control of fraud in an electronic transaction system, the computer program comprising:  
program-code instructions for generating an element and storing the element in a database in association with information identifying a session initiated by a user when the user initiates the session in the electronic transaction system; program-code for defining, each time during the session that the user commands execution of an operation, an equation that is satisfied by the element stored in the database; program-code for solving a system of independent equations comprising the defined equations to deduce the element therefrom when a number of the defined

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equations is greater than a number of authorized operations; and program-code for deducing from the obtained element, by consulting the database, the associated information identifying the user that initiated the session (Fig.1-10, [0041-0046, and 0093-0102]).

4. Claims 3-8 and 11 are rejected applied as above rejecting Claims 1, and 9. Furthermore, Mirabella teach and describe a method of automatically controlling fraud, wherein,

As per Claim 3, the independent equations are linear equations (Fig.8-9, [0100-0101]).

As per Claim 4, the element comprises a series of numerical coefficients (Fig.8-9, [0100-0101]).

As per Claim 5, the series of numerical coefficients defines an equation of a hyperplane having (n-1) dimensions in a space having n dimensions and, when the user commands the execution of the operation, the step of determining the equation comprises in determining coordinates ( $X_{sub.i.sup.1}$ ,  $X_{sub.i.sup.2}$ , . . .  $X_{sub.i.sup.n}$ ) of a point in the hyperplane having (n-1) dimensions in the space having n dimensions ([0100-0101]).

As per Claim 6, the series of numerical coefficients defines an equation of a line in a space having two dimensions and, when the user commands the execution of the operation, the step of determining the equation comprises determining coordinates ( $X_{sub.i}$ ,  $Y_{sub.i}$ ) which belong to the line ([0100-0101]).

As per Claim 7, the series of numerical coefficients defines coordinates ( $X_{sub.1}$ ,  $X_{sub.2}$ , . . .  $X_{sub.n}$ ) of a point in a space having n dimensions and, when the user commands the execution of the operation, the step of determining the equation comprises determining the equation of a hyperplane containing the point in the space having n dimension([0100-0102]).

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As per Claim 8, the series of numerical coefficients defines coordinates (X.sub.1, X.sub.2) of a point in a space having two dimensions and, when the user commands the execution of the operation, the step of determining the equation further comprises determining an equation of a line (D.sub.i) passing through the point in the space having two dimensions([0100-0102]).

As per Claim 11, the element is dependent on the number of authorized operations for the user during the session ([099-0101]).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ

December 15, 2009

/Syed Zia/

Primary Examiner, Art Unit 2431